

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 03-0047P**  
**Adjusted Gross Income Tax**  
**For Calendar Ended December 31, 1999**

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**ISSUE(S)**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer protests the proposed penalty assessment for the late payment of its income tax. The due date of the return was April 15, 2000. Taxpayer filed its return late with payment of forty-eight percent of its tax liability. The Department issued its late payment assessment on June 26, 2002.

Taxpayer filed a penalty and interest protest letter dated July 16, 2002 and states that it could not reasonably estimate its tax due to various prior acquisitions.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalty and interest assessed and states that it was unable to reasonably estimate its Indiana apportionment factor at the initial due date of the return because of prior acquisitions.

Taxpayer did not make payment by the original due date of the return nor attempt to make a partial payment when it had property and payroll in the state of Indiana. Taxpayer had income from Indiana sources and failed to remit approximately forty-eight percent (48%) of its tax by the original due date of the return.

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Taxpayer has not provided reasonable cause to allow the Department to waive the penalty and has no authority to waive interest.

**FINDING**

Taxpayer's protest is denied.

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